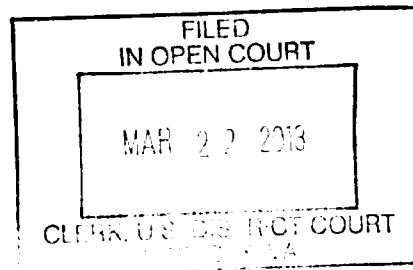


IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Norfolk Division



UNITED STATES OF AMERICA

v.

RICHARD VANTUYL,

Defendant.

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CRIMINAL NO. 2:12cr176

STATEMENT OF FACTS

If this matter had gone to trial, the United States would have proven Count One of the pending indictment beyond a reasonable doubt, by proof of the following facts, among others:

On or about August 2, 2012, in the Eastern District of Virginia, the defendant, RICHARD VANTUYL, knowingly and willfully caused to be delivered by the U.S. Postal Service a communication dated August 2, 2012, that contained a threat to injure the Honorable Mark S. Davis, a United States District Judge for the Eastern District of Virginia.

In August 2012, the defendant RICHARD VANTUYL was being held in the Western Tidewater Regional Jail (Western Tidewater) in Suffolk, Virginia, in the Eastern District of Virginia. While there, VANTUYL met Witness #1 (W1). W1 was being held in Western Tidewater on the basis of a Federal criminal case in which the Honorable Judge Mark S. Davis (Judge Davis) was presiding.

On August 2, 2012, VANTUYL wrote a letter addressed to Judge Davis concerning threats to the life of the Judge and other people involved in the trial of W1. In the letter, VANTUYL wrote to Judge Davis that, "[W1] has said to me that [W1] has hired a hitman to take all of you out." VANTUYL continued, "I believe [W1] when he says he has hired someone due to he has tried to hire me and I turned him down due to I am no murderer nor wish to be

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associated with that. [W1] has offered me a 15,000 dollar amount for all of you.” VANTUYL caused this letter to be placed in the United States mail and the letter was delivered by the United States Postal Service to Judge Davis’s chambers located at the United States District Court in Norfolk, Virginia.

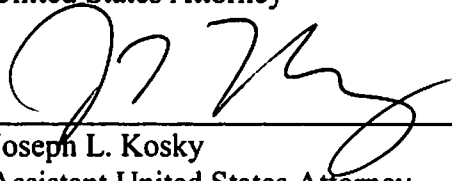
Based upon this letter, the United States Marshal Service and Federal Bureau of Investigation opened an investigation into the alleged death threats against Judge Davis and other individuals involved in W1's trial. Investigators interviewed VANTUYL, W1, and other inmates at Western Tidewater. VANTUYL insisted to the agents his letter was true and that he had been offered money to kill Judge Davis. However, W1 denied the allegations. Based upon their investigation, agents could not find any corroboration in VANTUYL’s claims and offered VANTUYL the opportunity to take a polygraph examination. After taking the polygraph, VANTUYL admitted that, although W1 complained about Judge Davis and his trial, he never threatened to kill or harm Judge Davis or anyone else. Furthermore, VANTUYL admitted he had never been offered money to kill anyone or find a hitman, and that he had written the letter in the hopes that he might get a sentence reduction on his state charges.

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Respectfully submitted,

Neil H. MacBride
United States Attorney

By:




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After consulting with my attorney and pursuant to the plea agreement entered into this day between the defendant, RICHARD VANTUYL and the United States, I hereby stipulate that the above Statement of Facts is true and accurate, and that had the matter proceeded to trial, the United States would have proved the same beyond a reasonable doubt.



RICHARD VANTUYL
Defendant

I am Suzanne Katchmar, RICHARD VANTUYL's attorney. I have carefully reviewed the above Statement of Facts with him. To my knowledge, his decision to stipulate to these facts is an informed and voluntary one.



Suzanne Katchmar, Esquire
Attorney for RICHARD VANTUYL

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